IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21774 of 1998

Between:

Advancing the Ministries of the Gospel Employees Association

Regd.No.274/98, Old Guntur, D.No.16-9-33, Kosarajuvari Street

H.Q., Rep by its President R.Rama Murthy, S/o

Venkatasubbaiah, Hindu, R/o Guntur.

... PETITIONER

AND

1 Govt. of A.P., Rep by its Secretary, Medical & Health

Department, Secretariat, Hyderabad.
2 Govt. of India, Rep by its Secretary, Ministry of Health & Family

Planning, New Delhi.
3 Advancing the Ministries of Gospel, Chilakaluripet,

Regd.No.155/77, Rep by its President/Director, Chilakaluripet,

Guntur Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, Order or Direction particularly a Writ in the Nature of Mandamus directing the Respondents 1 & 2 herein to absorb/takeover the Third Respondent-Project with its Employees shown in the Annexure, by applying the same principles and guidelines contained in .O.Ms.No.1765/Health, dt.14-12-1972 of the 1st Respondent or direct their absorption under the 1st Respondent medical units with

all consequential and attendant benefits.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus directing the respondents 1 and 2 to absorb/takeover the third respondent-project with its employees by applying the same principles and guidelines contained in G.O.Ms.No.1765/Health dated 14-12-1972 of the first respondent or direct their absorption under the first respondent-medical units with all consequential and attendant benefits.

2. Petitioner, President of the petitioner-association, comprising the employees of the third respondent society, states that the third respondent society has been rendering services to the leprosy victims in the urban areas of Guntur, Chilakaluripet, Sathenapalli, Ponnur, Macherla of Guntur District and Chirala, Ongole of Prakasam Districts from the last many years. It is the case of the petitioner that the said society approached the Government of Andhra Pradesh several times through the Director, Medial & Health Services to take over the said units. Thereafter, the Government under G.O.Ms.No.1765/Health, dated14-12-1972 had taken over similar leprosy projects, at the instance of the Government of India, but did not consider the society's request for taking over the units. It is mainly contended that since the third respondent is also similarly placed, it is entitled to be taken over by the State Government, with its employees. It is further contended that though the services of the employees of the petitioner association are being utilized by the departments of first respondent by reimbursing them, they are not being absorbed, as per G.O.Ms.No.1765/Health, dated 14-12-1972, which is the main grievance of the petitioner in the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

4. Respondent No.1 filed counter affidavit denying the allegations. It is stated in the counter affidavit that the employees of the petitioner association, who approached the Government to take over the said units, had been working under the said Advancing the Ministries of Gosepl, which is a purely Non-Governmental organization. It is mainly contended that there is no Memorandum of Understanding between the Advancing the Ministries of Gospel and the Government of Andhra Pradesh; no grants were released and no amounts were reimbursed by the Government; to the third respondent. It is further stated that the Government of Andhra Pradesh under G.O.Ms.No.1765, Health and Municipal Administration Department, dated 14-12-1972 had taken over the leprosy project at Pogiri from the Danish Save with the children and with all its assets including buildings, vehicles and staff as per the decision of the Government of India duly earmarking for taking over the said unit at Pogiri by the State Government. So, the third respondent, being a Non-Governmental organization, is not entitled to be extended the same treatment as per G.O.Ms.No.1765, Health, dated 14-12-1972.

5. It is seen from the counter affidavit that third respondent is a Non-Governmental Organization and there is no Memorandum of Understanding between the third respondent and the Government of Andhra Pradesh. When there is no such understanding between the third respondent and the Government, petitioner association cannot complain discrimination between their association and the Danish Leprosy Control Unit at Pogiri, which had been taken over by the Government with all its assets including buildings, vehicles and staff, in consultation with the Government of India, which had earmarked the said unit to be taken over the State Government. Without there being any Memorandum of Understanding between the third respondent and the Government and in view of the fact that the third respondent is a Non-Governmental Organization, petitioner is not entitled to the relief as prayed for and this Court cannot give directions to the State Government to takeover the third respondent unit.

In the result, the writ petition is bereft of merit, and is accordingly dismissed.

No costs.

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N.V. RAMANA, J

March 7, 2005

MRR

Copy to:

1 The Secretary, Medical & Health Department,Govt. of A.P., Secretariat,

Hyderabad.
2 The Secretary, Ministry of Health & Family Planning, Govt. of India, New

Delhi.
3 Advancing the Ministries of Gospel, Chilakaluripet,

Regd.No.155/77, Rep by its President/Director, Chilakaluripet, Guntur

Dist.

4 Two C.C. s to the G.P. for Medical Health and Family Welfare, High

Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.